

Application No.: 09/974,514

Docket No.: JCLA8093

**REMARKS****Present Status of the Application**

The Office Action mailed on April 23, 2004 rejected claims 8 and 12-15. Specifically, the Office Action rejected claims 8 and 12-15 under 35 U.S.C. 102(e), as being anticipated by Macda et al. (US 6,262,961). The Office Action also objected to claim 13 because of antecedent issue. Applicant has amended claim 13 above, to overcome the objection. Applicant has also amended claim 8 to more clearly define the invention. Applicant has also added new dependent claim 16. As amended, these claims clearly distinguish over the prior art and, therefore, overcome the rejection under 35 U.S.C. 102 and the objection. After entry of the foregoing amendments, claims 8 and 12-16 remain pending in the present application, and reconsideration of those claims is respectfully requested.

**Objection to Claims**

The Office Action states that "the recording medium transfer means " in claim 13 lacks of antecedent basis. For addressing this issue, "the recording medium transfer means " should be amended to "the recording medium transfer ~~means~~ mechanism" for consistency.

Accordingly, Applicant has amended claim 13 as suggested by the Examiner.

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**Discussion of Office Action Rejections**

Claims 8 and 12-15 were rejected under 35 U.S.C. 102(c) as being anticipated by Maeda et al. (US 6,262,961 B1). The Office Action alleged that Maeda has disclosed every claimed features of the present invention. In response, Applicant respectfully disagrees with this rejection and Examiner's interpretation of Maeda for at least following reasons.

According to FIG. 11 of the Maeda reference, it uses switches XCTL, XOP to detect the medium type and status while putting or inserting the recording medium into the holder. In this way, the Maeda reference can determine the exact timing of starting the loading action. In other words, the loading action, i.e., the disc transferring device is activated only when the medium type is determined and exactly inserted or put into the holder.

In contrast, according to the present invention, claim 8 recites "between the eject position and a loading start position in front of the insertion direction of the recording medium, the control device performs a control process *such that the driving device generates a driving force having a magnitude that the recording medium transfer mechanism is not operated*". That is, the feature of *the driving device generates a driving force having a magnitude that the recording medium transfer mechanism is not operated* is not disclosed, suggested or taught in the Maeda reference. According to the Maeda reference, its recording medium transfer mechanism **will be operated**, rather than "**not operated**".

Therefore, the requisite features are recited in the independent claim 8, which are set forth immediately below.

8. A recording medium loading apparatus, comprising:

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a recording medium transfer mechanism, for transferring an inserted recording medium between an eject position and a loaded position;

a driving device for driving the recording medium transfer mechanism; and

a control device for controlling the driving device, wherein

*between the eject position and a loading start position in front of the insertion direction of the recording medium, the control device performs a control process such that the driving device generates a driving force having a magnitude that the recording medium transfer mechanism is not operated.*

(*Emphasis added*). Applicant respectfully submits that independent claim 8 patently defines over the prior art for at least the reason that the prior art fails to adequately disclose those features emphasized above.

According to this feature of the present invention, when the recording medium is transferred between the eject position and the loading start position in front of the insertion direction of the recording medium, the control device performs a control process such that the driving device generates a driving force having a magnitude that the recording medium transfer mechanism is not operated. Therefore, when the insertion force (the insertion force from the operator inserting the recording medium) is applied to the recording medium between the eject position to the loading start position, the insertion force becomes an assist force to operate the recording medium loading apparatus.

According to the claimed features in claim 8, when the recording medium is transferred from the eject position to a loading start position in front of the insertion direction of the recording medium, the control device performs a control process such that the driving device generates a driving force having a magnitude that the recording medium

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transfer mechanism is not operated. Therefore, when the recording medium is between the eject position and the loading start position, if an insertion force (by an operator who inserts the recording medium) is applied to the recording medium, the recording medium transfer mechanism is operated because the insertion force is added with the driving force of the driving device. Further, as the operator stops applying the insertion force, the recording medium transfer mechanism stops transferring the recording medium.

For at least the foregoing reasons, Maeda fails to disclose the aforementioned claimed features, and the Maeda reference cannot achieve this effect which can be made by the claimed structure in claim 8 of the present invention.

Therefore, Maeda cannot anticipate claim 8.

Regarding dependent claims 12-15, they further restrict the structure of elements in independent claim 8. Because independent claim is not anticipated by the cited reference, dependent claims 12-15 are not anticipated by the cited prior art for at least the same reasons. In addition, these dependent claims contain features that further distinguish over the cited prior art.

Dependent claim 16 is newly added and supported by the originally filed specification without adding new matter. Claim 16 is believed patentable over the Maeda reference.

For at least the foregoing reasons, Applicant respectfully submits that independent claim 8 is not anticipated by the cited prior art and should be allowed. For at least the same reasons, dependent claims 12-16 should be allowed as well.

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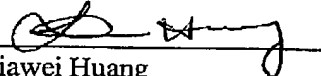
**CONCLUSION**

For at least the foregoing reasons, it is believe that all pending claims 8 and 12-16 are in proper condition for allowance. If the Examiner believes that a conference would be of value in expediting the prosecution of this application, he is hereby invited to telephone the undersigned counsel to arrange for such a conference.

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